

FILED
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Mary Angie Garcia
Bexar County District Clerk
Accepted By: Roxanne Mujica

EXHIBIT A

2 CITS PPS

Cause No. **2021CI13445**

BLANCA ASUCENA HERNANDEZ,
INDIVIDUALLY AND A/N/F OF N.H., H.A.,
& I.A., MINOR CHILDREN,
Plaintiffs,

V.

WILFREDO COLON & MERCER
TRANSPORTATION CO., INC.
Defendants,

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS
Bexar County - 407th District Court

____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Blanca Asucena Hernandez, Individually and a/n/f of Noah Hernandez, Hannah Abundis, & Isaiah Abundis, minor children, hereinafter referred to as Plaintiffs and file Plaintiffs' Original Petition and Request for Disclosure, complaining of Wilfredo Colon & Mercer Transportation Co., Inc., hereinafter referred to as Defendants, and for cause of action against said Defendants would respectfully show the Court and Jury as follows:

I.

Discovery is intended to be conducted under Level 2 of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169 because plaintiffs seeks monetary relief over \$250,000.

II.

Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000. Tex. R. Civ. P. 47(c)(3).

III.

Plaintiffs reside in Fort Bend County, Texas.

Defendant Wilfredo Colon is an individual who may be served with issued citation at his home address, 5023 Heron Ct, Coconut Creek, FL 33073.

Defendant Mercer Transportation Co., Inc. is a Foreign-For-Profit Corporation authorized to do business in the State of Texas, with their principal office at 10314 Lincoln Trail, Fairview Heights, IL 62208. They may be served through their registered agent CT Corporation System, 208 SO LASALLE ST, SUITE 814, CHICAGO, IL 60604, or by sending a copy of the citation and petition by registered or certified mail, return receipt requested, WITH DELIVERY RESTRICTED TO THE ADDRESSEE ONLY, pursuant to Tex. R. Civ. P. 106(a)(2).

IV.

Venue is proper in Bexar County, Texas. Specifically, venue is permissive in this county because under Section 15.002(a)(1) of the Civil Practice and Remedies Code the automobile collision giving rise to this cause of action occurred in Bexar County, Texas.

V.

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of the court.

VI.

This lawsuit results from an automobile collision that occurred on or about July 31, 2019 near the 1400 Block West Interstate Highway 10, in Bexar County, Texas. Plaintiff drove her vehicle reasonably and prudently when Defendant proximately caused the collision made the basis of this lawsuit when Defendant rear-ended and crashed into Plaintiffs' vehicle. As a result of the collision, Plaintiffs suffered bodily injuries.

VII.

At the time of the collision, Defendant operated Defendants' vehicle negligently. Specifically, Defendant had a duty to exercise ordinary care and operate Defendants' vehicle reasonably and prudently. Defendant breached that duty in one or more of the following ways:

1. Failing to timely apply the breaks;
2. Failing to maintain a proper lookout;
3. Failing to maintain proper control of defendant's vehicle;
4. Failing to turn the vehicle to avoid the collision;
5. Failing to signal an intention to pass plaintiff's vehicle; and
6. Following Plaintiff's vehicle more closely than an ordinary prudent person would have done under the same or similar circumstances.

VIII.

Defendant's breach of duty proximately caused injury to plaintiff, which resulted in the following damages:

1. Medical expenses in the past;
2. Pain, suffering and mental anguish in the past;
3. Physical impairment in the past;
4. Medical expenses in the future;
5. Pain suffering and mental anguish in the future; and
6. Physical impairment in the future.

IX.

Defendants are hereby notified that Plaintiffs intend to use all documents produced by Defendants in discovery of the trial of this cause, and therefore requests that Defendants assert any

objection to the authenticity of any document Defendants produces within ten days of its production.

X.

Plaintiffs demand a jury trial.

XI.

Pursuant to Rule 194, Defendants are requested to disclose, within 30 days of this request, the information or material described in Rule 194.2.

XII.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that Defendants be cited to appear and answer herein, and that upon final hearing, Plaintiffs have and recover, of and from Defendants judgment in the full amount of Plaintiffs' damages, plus prejudgment and post-judgment interest, costs of court, and all such further relief to which Plaintiffs may be justly entitled, at law or in equity.

Respectfully submitted,

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